

Art Unit: 1645

1. The amendment filed 11/2/09 has been entered into the record. Claims 1, 3, 5-7 and 9 are pending in the application.

Information Disclosure Statement

2. The information disclosure statement filed 1/27/06 as been amended to include the missing dates of the foreign applications listed. The corrected information disclosure statement is considered and an initialed copy is enclosed.

Election/Restrictions

3. The restriction requirement mailed 3/24/09 is **withdrawn** as the groups of invention are so linked as to form a single general inventive concept under PCT Rule 13.1 in view of the translation of the foreign priority documents which overcomes the lack of unity in view of (Sato et al (Biosci. Biotechnol. Biochem, 68 (6), 1216-1220, June 2004, cited in IDS). The inventions of Group II (claim 5), Group III (claims 6-7) and Group IV (claim 9) are hereby rejoined and fully examined for patentability.

Objections/Rejections Withdrawn

4. The objection to the specification is withdrawn in view of the amendment to the specification filed 11/2/09.

5. The objection to claims 1 and 3 is withdrawn in view of the amendment to the claims.

6. The rejection of claim 1 under 35 USC 112, second paragraph is withdrawn in view of the amendment to the claims.

7. The rejection of claims 1 and 3 under 35 USC 102 (a) as being anticipated by Sato et al (Sato et al (Biosci. Biotechnol. Biochem, 68 (6), 1216-1220, June 2004, cited in IDS) is overcome by the translation of the foreign priority papers and is hereby withdrawn.

Examiner's Amendment

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37

Art Unit: 1645

CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

9. Authorization for this examiner's amendment was given in a telephone interview with Gregory Turocy on 2/24/10.

10. Please Amend the Claims as follows:

In the Claims:

Claims 6-7 (Canceled)

Claim 9 (Canceled).

Status of Claims

Claims 1, 3 and 5 are allowed. Claims 2, 4 and 6-10 are cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWATOSIN OGUNBIYI whose telephone number is 571-272-9939. The examiner can normally be reached on M-F 8:30 am- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oluwatosin Ogunbiyi/

Examiner, Art Unit 1645

/Robert B Mondesi/

Supervisory Patent Examiner, Art Unit 1645